

Salvador P. Simao  
Priya S. Amin  
FORD HARRISON LLP  
300 Connell Drive, Suite 4100  
Berkeley Heights, New Jersey 07922  
Telephone: (973) 646-7300  
Facsimile: (973) 646-7301

*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

<p>FINLEY FENTON, Plaintiff, v. U.S. SECURITY ASSOCIATES, INC., Defendant.</p>	<p><i>Electronically Filed</i> CIVIL ACTION NO. _____ <b>NOTICE OF REMOVAL</b></p>
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**PLEASE TAKE NOTICE THAT** pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant U.S. Security Associates, Inc. (“USSA” or “Defendant”) by and through its undersigned attorneys, hereby removes the above-captioned matter from the Superior Court of New Jersey, Law Division, Special Civil Part, Passaic County to the United States District Court for the District of New Jersey. Removal is proper based upon the following:

**Commencement of Action in State Court**

1. Plaintiff Finley Fenton (“Plaintiff”) commenced a civil action in the Superior Court of New Jersey, Law Division, Special Civil Part, Passaic County, by filing a Complaint on or about December 19, 2017, captioned “Finley Fenton v. U.S. Security Associates, Inc.”, Docket No. SC-1235-17.

2. On or about January 8, 2018, a copy of the Complaint and Summons, was delivered via regular mail to USSA's Clifton, New Jersey location. Pursuant to 28 U.S.C. § 1441(a), copies of these documents, which together constitute all process, pleadings and orders received by Defendant in this matter, are attached hereto as Exhibit A.

3. This Notice of Removal is timely filed in accordance with 28 U.S.C. 1446(b), in that it is filed within thirty (30) days after January 8, 2018, the first and only date on which Defendant was provided with any pleading or other paper in this matter, and this case has been on file for less than one year.

**Nature of Claims**

4. In his Complaint, Plaintiff alleges that he was formerly employed by USSA. The Complaint further alleges that Defendant allegedly failed to pay or underpaid Plaintiff for an unidentified period of time. (*See* Compl.).

5. The Complaint seeks to recover damages in the amount of \$1,424.96 plus costs. (*See* Compl.).

**Federal Question Jurisdiction**

6. Plaintiff brings this action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.* Pursuant to 28 U.S.C. § 1331 the district courts of the United States have original jurisdiction because the Complaint asserts a civil action arising under the laws of the United States.

7. Accordingly, federal subject matter jurisdiction exists over Plaintiff's asserted claims in accordance with 28 U.S.C. § 1331, and this action may thus be removed pursuant to 28 U.S.C. § 1441(a).

**Venue**

8. The District of New Jersey is the proper venue for removal pursuant to 28 U.S.C. § 1441(a) because the action is pending in the Superior Court of New Jersey, Law Division, Special Civil Part, Passaic County, located within the District of New Jersey, Plaintiff allegedly resides in Bergen County, and was employed by Defendant in Hudson County, New Jersey, also located within the District of New Jersey.

**Notice**

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being submitted for filing to the Clerk of the Superior Court of New Jersey, Passaic County, and is being served upon Plaintiff. A copy of Defendant's Notice of Filing of Notice of Removal is attached hereto as Exhibit B.

**Basis for Removal**

10. Based on the foregoing, this action is properly removable under 28 U.S.C. §§ 1441(a) on the ground that this Court has original jurisdiction over this case under 28 U.S.C. § 1331 (federal question jurisdiction).

15. This Notice of Removal is being filed within 30 days after the basis for removal was asserted, and is therefore timely under 28 U.S.C. § 1446(b).

16. By filing this Notice of Removal, Defendant does not waive, and fully reserves, all defenses it may have, including but not limited to defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, and failure to state a claim upon which relief may be granted.

**WHEREFORE**, Defendant respectfully requests that this matter be removed to the United States District Court for the District of New Jersey and requests that this Court assume full jurisdiction over this action as provided by law.

FORD HARRISON LLP

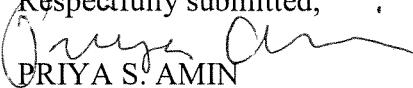
Dated: February 5, 2018

/s/ Priya S. Amin  
PRIYA S. AMIN

*Attorneys for Defendant*

**CERTIFICATION PURSUANT LOCAL RULE 11.2**

Pursuant to Local Civil Rule 11.2, I hereby certify that the matter in controversy in the above-captioned action is the subject of another action pending in this District: *Finley Fenton v. U.S. Security Associates, Inc.*, Civ. Action No. 2:17-cv-13589 (JMV) (MF) (D.N.J.).

Respectfully submitted,  
  
PRIYA S. AMIN

## EXHIBIT A

PAS SC 001235-17 12/21/2017 Pg 1 of 3 Trans ID: SCP20172820357

**NOTICE:** This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

**SMALL CLAIMS SUMMONS AND RETURN OF SERVICE**



**THE SUPERIOR COURT OF NEW JERSEY**

**Law Division, Special Civil Part**

**SMALL CLAIMS SUMMONS**

**YOU ARE BEING SUED!**

**IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS CASE, YOU MUST APPEAR IN COURT. IF YOU DO NOT, THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.**

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **You are cautioned that if you do not come to court on the trial date to answer the complaint, you may lose the case automatically**, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

**You can do one or more of the following things:**

1. *Come to court to answer the complaint.* You do not have to file a written answer, but if you dispute the complaint and want the court to hear your side of the case, you must appear in court on the date and at the time noted on the next page.

**AND/OR**

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. You will have to appear in court on the trial date unless a written agreement is reached and filed with the court.

**AND/OR**

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at 973 523-2900. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at 973 278-9223.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

**La traducción al español se encuentra al dorso de esta página.**

/s/ Michelle M. Smith, Esq.

Clerk of the Special Civil Part





**SMALL CLAIMS COMPLAINT (Contract, Security Deposit, Rent, or Tort)**

**NOTICE:** This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

**Plaintiff or Filing Attorney Information:**

Name FINLEY FENTON  
 NJ Attorney ID Number cc  
 Address 110 CHESTNUT RIDGE RD #104  
MONTVALE, NJ 07645  
 Telephone Number \_\_\_\_\_ ext. \_\_\_\_\_

BATCH # 355  
 CLKCMO # 3888  
 AMT \$ 42.00

**RECEIVED****DEC 19 2017**

Superior Court of New Jersey  
 Law Division, Special Civil Part Passaic Co. Special Civil Part  
 Small Claims Section

Passaic County  
 Docket No: SC-1235-17  
 (to be provided by the court)

**Civil Action  
Complaint****Check One:**

Contract  
 Security Deposit  
 Rent  
 Personal Injury or Property Damage (other than motor vehicle)

**COMPLAINT**

Demand: \$1,424.96 plus costs. Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s).  
 Attach additional sheets if necessary.

JLS SECURITY ASSOCIATES DID NOT PAY ME OR UNDERPAID ME FOR THE AMOUNT OF \$712.48  
BECAUSE JLSA ALLOWS LIQUIDATED DAMAGES FOR PAYROLL ISSUES IN BAD FAITH I AM  
REQUESTING \$1424.96. (712.48 \*2 = 1424.96)

**IMPORTANT:** Plaintiffs and defendants must bring all witnesses, photos, and documents, and other evidence to the hearing. Subpoena forms are available at the Clerk's office to require the attendance of witnesses.

At the trial Plaintiff will require:

An interpreter  Yes  No Indicate Language \_\_\_\_\_  
 An accommodation for disability  Yes  No Indicate Disability \_\_\_\_\_

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

1/04/17  
1/06/2017

Date

Plaintiff's Signature

FINLEY FENTON  
 Plaintiff's Name Typed, Stamped or Printed

## EXHIBIT B

Salvador P. Simao  
Priya S. Amin  
FORD HARRISON LLP  
300 Connell Drive, Suite 4100  
Berkeley Heights, New Jersey 07922  
Telephone: (973) 646-7300  
Facsimile: (973) 646-7301

*Attorneys for Defendant*

FINLEY FENTON,  Plaintiff,  v.  U.S. SECURITY ASSOCIATES, INC.,  Defendant.	SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, SPECIAL CIVIL PART PASSAIC COUNTY  DOCKET NO.: SC-1235-17
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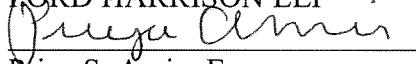
**NOTICE OF DEFENDANT'S FILING OF A NOTICE OF REMOVAL**

TO: Michelle M. Smith  
Superior Court of New Jersey  
Law Division, Special Civil Part  
Passaic County  
77 Hamilton Street  
Paterson, NJ 07505

**PLEASE TAKE NOTICE** that Defendant U.S. Security Associates, Inc. ("USSA"), has filed a Notice of Removal of this action to the United States District Court for the District of New Jersey. A true and correct copy of the Notice of Removal and all of its Exhibits are attached to this Notice.

You are advised that Defendant, upon filing such Notice of Removal in the office of the Clerk of the United States District Court for the District of New Jersey, also filed a copy with the Clerk of the Superior Court of New Jersey, Law Division, Special Civil Part, Passaic County to effect removal pursuant to 28 U.S.C. § 1446(d).

Dated: February 5, 2018

FORD-HARRISON LLP  
  
Priya S. Amin, Esq.

*Attorney for Defendant U.S. Security  
Associates, Inc.*

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Priya S. Amin  
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*Attorneys for Defendant*

FINLEY FENTON,  Plaintiff,  v.  U.S. SECURITY ASSOCIATES, INC.,  Defendant.	SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, SPECIAL CIVIL PART PASSAIC COUNTY  DOCKET NO.: SC-1235-17
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Defendant's Notice of  
Defendant's Filing of a Notice of Removal has been filed with the Superior Court of New Jersey,  
Law Division, Special Civil Part, Passaic County by New Jersey Lawyers' Service, to the  
following address:

Michelle Smith, Esq.  
Superior Court of New Jersey, Passaic Vicinage  
77 Hamilton Street  
Paterson, NJ 07505-2017

I further certify that copies of the same were served upon Plaintiff, by New Jersey  
Lawyers' Service, to the following address:

Finley Fenton  
110 Chestnut Ridge Road #104  
Montvale, New Jersey 07645

FORD HARRISON LLP

Dated: February 5, 2018

Priya Amin

WSACTIVE LLP:9612403.1